

A regular meeting of the Elma Town Board was held on Wednesday, December 6th, 2017 at 7:00PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

- Supervisor Dennis Powers
- Councilman Thomas Fallon
- Councilman James Malczewski
- Councilman Michael Nolan
- Councilman Tracy Petrocy

- Also:
- Building Inspector Joseph Colern
  - Highway Superintendent Wayne Clark
  - Water Superintendent Eugene Stevenson-Absent
  - Town Attorney Phyllis Todoro
  - Deputy Town Attorney Dean Puleo
  - Town Engineer James Wyzykiewicz

Approximately 18 people attended the meeting.

The meeting was opened with the reciting of the Pledge of Allegiance.

Making the legal notice for the Public Hearing on the proposed contract with the Town of Elma and the Blossom Volunteer Fire Co., Elma Volunteer Fire Co. and Jamison Road Volunteer Fire Co. to furnish fire protection in the Elma Fire Protection District, except Spring Brook Fire District Boundaries Supervisor Powers opened the public hearing at 7:03pm. No one spoke for or against. Supervisor Powers closed the public hearing at 7:06pm.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the minutes from the November 15th, 2017 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Town Engineer James Wyzykiewicz noted Briggswood drainage project is completed, Oaknoll on hold for the easements between the residents and Caroline Ln will be started weather permitting. Building Inspector Joseph Colern presented the monthly report for November with 22 permits issued, fees collected of \$25,247.36 with an estimated value of construction \$25,647,365. Mr. Colern would like to proceed with code violations for 120 S Blossom Rd.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve Mr. Colern prosecute for code violations at 120 S Blossom Rd. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Malczewski seconded the motion to approve the Proclamation to the Town of Amherst for their Bicentennial celebration to be presented by Supervisor Powers. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQR for Kostosiak Coatings at 6300 Seneca St. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a Business Use Permit for Kostosiak Coatings at 6300 Seneca St for office and supplies. Restrictions on this "Use" no outside storage of construction equipment or junk/debris. Building Inspector notes fire inspection required within 30 days and sign permits required for advertising. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to authorize Supervisor Powers to sign the Solid Waste Contract with Waste Management being the only bidder with a five-year contract for disposal only; 2018 \$41.36; 2019 \$42.11; 2020 \$42.87; 2021 \$43.64 and 2022 \$44.42 per ton. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the "Elma Fire Protection District" Agreement as follows: Blossom Fire Company 2018 \$198,489.25; 2019 \$202,988.25 and 2020 \$207,599.25. Elma Fire Company 2018 \$271,122.80; 2019 \$278,321.20 and 2020 \$285,699.60. Jamison Road 2018 \$250,244.95; 2019 \$256,543.55 and 2020 \$262,999.65 with ambulance service included. Ayes-5. Noes-0. Carried.

505

Wednesday, December 6<sup>th</sup>, 2017

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to authorize Supervisor Powers to sign the Lease Agreement with Verizon Wireless at the Highway Garage for 25 years at the cost of \$10,200 the first five (5) years with four (4) additional five (5) year extensions which shall increase 2% for the preceding lease years. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to issue a negative declaration on a short form SEQRA for the Land Lease Agreement with Bell Atlantic Mobile Systems of Allentown, Inc d/b/a Verizon Wireless. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve the following resolution amending the 2017 adopted budget for budget transfers: WHEREAS, as the year has progressed the Town's actual spending has exceeded the 2017 adopted budget in certain line items, and WHEREAS, while these lines have no effect on the total 2017 adopted budget, it is necessary to transfer budgetary appropriations between certain appropriation codes, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the following transfers within the 2017 budget: Decrease Appropriations: SW8310.490 Contingency \$6,475.00. Increase Appropriations: SW8310.412 Insurance \$1,000.00; SW8310.413 Maintenance Contracts \$3,500.00; SW8310.422 Locating Services-UFPO \$100.00; SW8310.431 Telephone \$600.00; SW9010.801 State Retirement \$975.00; SW9040.803 Workers Compensation \$300.00. Total \$6,475.00. Ayes-5. Noes-0. Carried.

The next the Work Session meeting will be December 13<sup>th</sup>, 2017 at 6:00pm. and the next Town Board meeting will be on December 20<sup>th</sup>, 2017 at 7:00pm

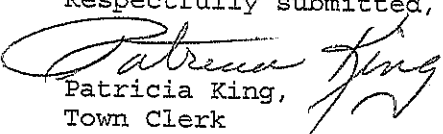
All have received the Planning, Zoning, Conservation Boards and Subdivision Code Review Committee agenda and minutes that apply.

Councilman Fallon made the motion and Councilman Nolan seconded the motion to enter Executive Session at 7:30 to discuss a Contract and will adjourn immediately following this session, no motions to be made. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to exit Executive session at 7:45PM. Ayes-5. Noes-0. Carried.

Meeting adjourned at 7:45PM. All in favor.

Respectfully submitted,

  
Patricia King,  
Town Clerk

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ELMA DECEMBER 6, 2017  
STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA")  
DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE  
NEGATIVE DECLARATION

WHEREAS, Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless ("Verizon Wireless") proposes to construct and operate a wireless telecommunications facility (the "Project") pursuant to a Land Lease Agreement (the "Lease") with the Town of Elma (the "Town"), pertaining to property located at 2170 Bowen Road, Town of Elma, County of Erie, State of New York, as shown on the Tax Map of the Town of Elma as Tax Map Number 146.01-1-1 (the "Property"); and WHEREAS, representatives of Verizon Wireless previously met with Town officials to discuss the Project and the Lease; and WHEREAS, the Town Board of the Town of Elma (the "Board") is fully familiar with the Property and the surrounding area; and WHEREAS, the Project is an unlisted action under SEQRA and the Board is the only involved agency and, therefore, the Lead Agency; and WHEREAS, the Board has reviewed the Project, the Lease and all other materials submitted in connection therewith. NOW, THEREFORE, be it resolved by the Board that: Based upon the Board's thorough and careful review of the Project, the Lease, and all other materials submitted in connection therewith, the Board hereby determines that the Project and the Lease will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA.

Wednesday, December 6<sup>th</sup>, 2017

REASONS SUPPORTING THE NEGATIVE DECLARATION:

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce minimal, if any, disturbance of soil and vegetation, with minimal storm run-off.

2. Aesthetics, Agriculture, Archaeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archaeological, historical, natural, or cultural resources. The Project is a public utility which must be located as and where necessary to provide essential wireless telecommunications service. Although a facility of this nature will be visible, its overall visibility will be minimized to the maximum extent possible.

3. Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species. No plant or animal life will be adversely affected by the Project.

4. Community Plans, Use of Land or Natural Resources. The Project is in keeping with the official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.

5. Growth, Subsequent Development, etc. The Project will not induce any significant or adverse growth or subsequent development.

6. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

7. Critical Environmental Area. The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).

8. Public Health and Safety. The Project will have no adverse impacts on the public health. The Board recognizes that the Project will enable Verizon Wireless to provide reliable wireless telecommunications service to the Town, enabling individuals, businesses and emergency service providers access to this essential service. The Project will promote the general health, safety and welfare of the citizens of the Town by providing access to a modern, reliable system of wireless telecommunications service. Further, the Board finds that none of the criteria for determining significance set forth in § 617.7(c)(1)(i)-(xii) would be implicated as a result of this Project. Notice of this determination of non-significance shall be filed to the extent required by the applicable regulations under SEQRA or as may be deemed advisable by the Board.

RESOLUTION OF THE TOWN OF ELMA TOWN BOARD  
 DECEMBER 6, 2017  
 APPROVAL OF LEASE FOR WIRELESS TELECOMMUNICATIONS  
 FACILITY ON TOWN PROPERTY

WHEREAS, Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless ("Verizon Wireless") proposes to construct and operate a wireless telecommunications facility on property to be leased from the Town of Elma (the "Town"), pursuant to that certain Land Lease Agreement between the Town and Verizon Wireless (the "Lease"), and located at 2170 Bowen Road, in the Town of Elma, County of Erie, State of New York, known as Tax Map No. 146.01-1-1 (the "Property"); and WHEREAS, the facility consists of certain ground space sufficient for the installation of Verizon Wireless' equipment and associated appurtenances (the "Project"), as more particularly shown on the Lease Exhibit attached to the Lease as Exhibit "A"; and WHEREAS, in connection with the Lease, the Town Board has conducted a full and comprehensive single agency review of potentially adverse environmental impacts from the Project pursuant to the State Environmental Quality Review Act ("SEQRA") and on December 6<sup>th</sup>, 2017 duly issued a Negative Declaration pursuant thereto; and WHEREAS, the Town Board has reviewed the Project, the Lease and all other materials submitted in connection therewith; and WHEREAS, the Town Board met on November 8<sup>th</sup>, 2017 and December 6, 2017 to consider the Lease; and WHEREAS, resolutions approving a lease by a Town Board are subject to a permissive referendum, in accordance with Article 7 of the New York State Town Law.

Wednesday, December 6th, 2017

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Elma hereby authorizes the Town Supervisor to enter into the Lease with Verizon Wireless, as well as any associated utility easements, to allow Verizon Wireless to construct and operate a wireless telecommunications facility and related infrastructure on the Property, contingent upon passage of the permissive referendum period required under law without a petition for a permissive referendum, for an initial term of five (5) years with up to four (4) five (5) year renewal terms, at an initial annual rent of \$10,200.00, with rent escalation of 2% every lease year, and such other terms and conditions as agreed upon by the Town and Verizon Wireless; and be it further RESOLVED, that the Town Clerk is authorized and directed to publish notice of such permissive referendum, within ten (10) days from the date hereof, in accordance with Article 7 of the New York State Town Law. IN WITNESS WHEREOF, this Resolution was properly adopted by the Town Board at its regularly scheduled meeting, the date of which is listed herein.

LEGAL NOTICE  
PUBLIC HEARING

Notice is hereby given that the Town Board of the Town of Elma shall meet at the Town Hall, 1600 Bowen Road, Elma, New York on the 6th day of December, 2017 at 7:00PM for the purpose of considering a contract proposed by said Town Board to be entered into with the Blossom Volunteer Fire Co., Elma Volunteer Fire Co. and Jamison Road Volunteer Fire Co. Inc. for the furnishing of the fire protection in Elma Fire Protection District, excepting Spring Brook Fire District boundaries of said Town, at which time and place said Town Board will consider such proposed contract and hear all persons interested in same. In general terms, the proposed contract call for shall provide fire protection and ambulance service for the Town and in return shall receive the following amounts: Blossom, 2018 - \$198,489.25, 2019 - \$202,988.25, and 2020 - \$207,599.75; Elma, 2018 - \$271,122.80, 2019 - \$278,521.20, and 2020 - \$285,699.60; Jamison Road, 2018 - \$250,244.95, 2019 - \$256,543.55, and 2020 - \$262,999.65, with ambulance service included.

Ordered that the Town Clerk of the Town of Elma is hereby authorized and directed to publish a certified copy of this order in the Elma Review and to post a copy of same on the sign board of the Town of Elma in the time and manner required by law.

By Order of the Town Board of the Town of Elma, New York  
Pamela King, Town Clerk of Elma